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File No. B Motor vehicle Tax/42

Legal DEPARTMENT

B BRANCH

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Subject :—

1.9:E

Governor's Bill No V of 1942—

A Bill to amend the Bombay motor vehicles tax Act 1935

(Amendt of S 12)

Bombay IX of 1942—

File No. B, motor vehicles Tax/42

Std. Sectt. Slip 24 B e.

Bombay IX of 1942

395-13.

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Legal Department File No. B.Motor Vehicles Tax/42

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L.R.D.
26/4/56

AM
11-5-56

The requisite draft Bill is appended. The Statement at page 35 as slightly amended is in order. The words "substantially repaired" are vague. It is also not necessary to use the word substantially" in view of clasue(a) in the first proviso which restricts the levy of toll to only those cases in which the capital cost incurred is not less than five lacs. It does not also appear necessary to include cases of acquisition in the draft amendment to section 14. If this is done, a mere transfer of a bridge by one local authority to another would give a right to that authority to levy tolls on such bridge without incurring any additional expenditure on the reconstruction or frepairs of the bridge. Cases of su Cases of acquisition of bridges have not therefor been provided for in the draft Bill.

2. The sub matter of the Bill falls under entries Nos.13,48A and 53 in List II and entry No.20 in List III of the Seventh Schedule to the Government of India Act, 1935. As the Bill contains provisions which are repugnant to the provisions of the Bombay Motor Vehicles Tax Act, 1935,(sectio .14) which is an existing Indian law relating to entry No.20 in List III of the Seventh Schedule to the Government of India Act, 1935,it will have to be reserved for the consideration of the Govern General with reference to paragraph(2)of the Procl mation and section 107(2)of the Government of Indi Act, 1935.

3. H.D.'s attention is invited to the procedure laid down in instruction 25 of the instructions issued under rule 15 of the Rules of Business and in the Secretary to the Governor's Circular No.12/1 dated the 10th May 1937 and P.&.S.D. Circular No.996, dated the 3rd September 1938. Before sending the papers to R.L.A. for drafting the Bill, they should have been submitted to H.E. the Governor after consideration by the Adviser.

Sd/-
9/9

Remembrancer of Legal Affairs.

U.R. to H.D., No. 274-L, dated the 19th September 1941.

M.R
26/4

Legal Department

The Bill is required to be published for the purpose of eliciting public opinion under the executive instructions contained in the Secretary to the Governor's Memorandum No. 201(12), dated the 4th August 1941. It will be for the H.D. as the administrative department concerned to publish the Bill for eliciting public opinion. The form used the Bombay Agricultural pests and Diseases Bill published by the R.D. at page 1-9 of part V of the Bombay Government Gazettex dated the 16th January 1941, may be used for the proposed publication of the present Bill in the Bombay Government Gazette. The Bill may be published along with the statement of Objects and Reasons but such statement need not bear the signature of His Excellency the Governor.

2. The statement made in Under Secy. H.D.'s note dated the 10th December 1941 at P.56 ante that the Governor General has given his assent to the Bill is not correct. The Governor General has given his previous concurrence to the proposed enactment which is required under the executive instructions (vide Secy. to G's Memo. dated 18th December 1939 at P.49 ante) and it will be necessary to reserve the Bill in due course for the consideration of the Governor General with reference to paragraph(2) of the Proclamation and section 107(2) of the Government of India Act, 1935, as advised in paragraph 2 of the opinion

P.T.O.

of the opinion of the Remembrancer of Legal Affairs. ~~Mr.~~

No.274-L dated the 11th September 1941.

Sd/-

18/12

~~Remembrancer of Legal Arrairs,~~

Secretary to the Government of Bombay.

U.R. to H.D.,No.10961dated 19-12-1941 Legal Department. MR. D.

26/4/56

Legal Department.

The Bill to amend the Bombay Motor Vehicles Tax Act,1935,has been forwarded separately through the Home Department to the Secretary to to the Governor for obtaining the assent of His Excellency the Governor General to the Bill.

2. A draft notification under section 92(1) of the Government of India Act,1935, for applying the proposed Act to the partially excluded areas in this Province is furnished herewith. If it is decided to apply the Act to the said areas, the the notification should be published in the Bombay Government Gazette on or after the date on which the Act will be published in the Bombay Government Gazette.

3. Attention of the Home Department is requested to this Department Circular No.7627,dated the 29th August 1941. Orders of Government on the question of application of the Act to the partially excluded areas in this Province should have been obtained and communicated to this Department at the time of forwarding the papers for obtaining assent to the Bill.

Sd/-
For Secretary to the Government of Bombay Legal Department.

M.R.D.
26/4/56

U.R. to H.D.,No2272,dated the 13th March 1942.

NOTIFICATION.

HOME DEPARTMENT.

Bombay Castle, 1942.

No. :-In exercise of the powers conferred by sub-section(1)of section 92 of the Government of India Act, 1935, the Governor of Bombay is hereby pleased to direct that the Bombay Motor Vehicles Tax (Amendment) Act, 1942 (Bom. of 1942) shall apply to the partially excluded areas in the Province of Bombay.

To be filled in by H.D., before issue.

By order of the Governor of Bombay,

Secretary to Government.

M.R.D.
26/4/56

No.201(44).
Office of the Governor's Secretary,
Government of House,
Bombay, 7th April 1942.

From:

J.B.Irwin, Esquire, DSO., MC,, IC(S.,
Secretary to the Governor of Bombay.

To. The Secretary to Government,
Legal Department, Bombay.

Subject: The Bombay Motor Vehicles Tax (Amendent) Bill, 1942.

Sir,

With reference to your letter No.2271, dated the 13th March 1942, on the above subject, I am directed to forward herewith the copy of the Bill to amend the Bombay Motor Vehicles Tax Act, 1936, with His Excellency the Governor-General's assent signified thereon.

I have the honour to be,
Sir,
Your most obedient servant,

Sd/-

for Secretary to the Governor of Bombay.

M.R.D.
26/4/56

Acts.

Pulication of the Bombay Motor Vehicles Tax(amendment)Act,1942

GOVERNMENT OF BOMBAY.
Legal Department.
Resolution No.3100
Bombay Castle, 9th April 1942.

Letter to the Secretary to the Governor,No. 2271 dated the 13th March 1942.
Letter from the Secretary to the Governor, No 201(4H) dated the 7th April 1942

"With reference to your letter No,2271,dated the 13th March 1942,on the above subject I am directed to forward herewith the copy of the Bill to amend the Bombay Motor Vehicles Tax Act,1935,with His Excellency the Governor General's assent signified thereon."

RESOLUTION:-The law should be published as Bombay Act No.IX of 1942,in the Bombay Government Gazette dated the 10th April 1942.

2. The Act should be translated into Marathi Gujarati, Kannada and Hindustani,(in Urdu and Devnagari scripts) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to to the home Department.

By order of the Governor of Bombay,

Sd/-

for (P.N.Moos,
(Secretary to Government.

To
The Manager, Government Central Press,Bombay, (with a copy of the Act and with a request that 15 gazette copies of the Act may be forwarded to the Legal Department)
The Home Department.
*The Oriental Translator to Government)with a
The Secretary to the Bombay Legisla-) copy o
tive Council. .. ..)the Act
The Secretary to the Bombay Legisla-)
Assembly.. .. ..)

*With five extra copies.

M.R.D.
26/4/56

Registered No. B-1

The
Bombay Government Gazette

PUBLISHED BY AUTHORITY.

FRIDAY, 10TH APRIL 1942.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

(1) Acts of the Local Legislature of the Bombay Province and (2) Acts of the Indian Legislature assented to by the Governor General.

CONTENTS.

	PAGES
BOMBAY ACT No. IX OF 1942—An Act to amend the Bombay Motor Vehicles Tax Act, 1935	110-111

The following Act made by the Governor of Bombay in exercise of the powers vested in him by virtue of the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, having been assented to by the Governor General on the 2nd April 1942 is hereby published for general information.

P. N. MOOS,

Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. IX OF 1942.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 10th April 1942.)

An Act to amend the Bombay Motor Vehicles Tax Act, 1935.

WHEREAS it is expedient to amend the Bombay Motor Vehicles Tax Act, 1935, for the purpose hereinafter appearing ;

Bom. XXXIV of 1935.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

26 Geo. 5 Ch 2.

NOW, THEREFORE, in exercise of the said powers the Governor of Bombay is pleased to make the following Act :—

Short title.

1. This Act may be called the Bombay Motor Vehicles Tax (Amendment) Act, 1942.

Amendment of section 14. of Bom. XXXIV of 1935.

2. In section 14 of the Bombay Motor Vehicles Tax Act, 1935—

Bom. XXXIV of 1935

(*1*) after the word "constructed" the words ", reconstructed or repaired" shall be inserted ; and

(*2*) after the word "construction" wherever it occurs, the words ", reconstruction or repairs, as the case may be," shall be inserted.

STATEMENT.

Government purchased from the B. B. & C. I. Railway Company the Narbudda Railway bridge and it is proposed to reconstruct it and convert it into a road bridge. This conversion is expected to involve very considerable expenditure and it is therefore proposed to levy tolls on this bridge. Section 14 of the Bombay Motor Vehicles Tax Act, 1935, provides for the levy of tolls on bridges

constructed after the commencement of the Act provided certain conditions are fulfilled. As the question whether the bridge can be held to be a bridge *constructed* after the commencement of the Act is not entirely free from doubt, it has been decided to amend section 14 of the Act so as to make it lawful to levy tolls on bridges reconstructed after the commencement of the Act.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.